

# Exhibit 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

FS MEDICAL SUPPLIES, LLC,

Plaintiff,

v.

TANNERGAP, INC. AND TANNER  
PHARMA UK LIMITED

Defendants;

and

FS MEDICAL SUPPLIES, LLC,

Plaintiff,

v.

TANNER PHARMA UK LIMITED; RAYMOND  
FAIRBANKS BOURNE; MARY EVERETT  
BOURNE,

Defendants.

Case No. 3:21-cv-501-RJC-WCM

Case No. 3:23-cv-598-RJC-WCM

**DECLARATION OF KATIE SMOOT**

I, Katie Smoot, declare as follows:

1. I am over the age of 21, under no disability, and a resident of Mecklenburg County, North Carolina. I am employed by TannerGAP, Inc. as Executive Vice President of Business Operations.

2. In my role as Executive Vice President of Business Operations, I am familiar with the operations of Tanner Pharma Group, Inc., its subsidiaries, which include TannerGAP, Inc.

(among other North Carolina entities), and Tanner Pharma UK, Limited (“TPUK”). I supervise the business administration shared services provided to these companies. This declaration is based on my personal knowledge, or on information I have verified through business records available to me.

3. TannerGAP, along with other subsidiaries of Tanner Pharma Group, Inc., and TPUK use a common Enterprise Resource Planning (“ERP”) software tool called NetSuite. NetSuite is an Oracle product. NetSuite is used to track and keep records of customer relationships, quotes and sales, procurement, inventory, customer and vendor approvals, and employee records, as well as finance, accounting and tax-related information.

4. TPUK and TannerGAP also use Outlook for email communications. Outlook is a Microsoft product.

5. Another Microsoft product, Teams, is used for video and audio meetings.


6. Many company documents are housed in SharePoint, a data storage software application that is also a Microsoft product. Documents can be saved to SharePoint from Outlook and Teams.

7. Tanner-affiliated companies have used cloud-based storage for data associated with NetSuite since the company adopted the platform in May 2017. At that time, data outside of the NetSuite platform was stored in physical servers. But in August 2018, the companies switched from physical server document storage to cloud-based storage. Cloud-based data storage for Tanner’s network is provided by Azure, Microsoft’s cloud platform.

8. The Tanner affiliated companies, including TPUK and TannerGAP, have not applied document retention setting to its systems to date. Accordingly their enterprise data and electronically stored information (“ESI”) has been retained in the cloud from August 2018 to the present. No ESI has been deleted or discarded as a result of any document retention policy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September <sup>11th</sup> \_\_\_, 2024, in Charlotte, North Carolina.

Signed by:  
*Katie Smoot*  
 Signer Name: Katie Smoot  
Signing Reason: I approve this document  
Signing Time: 11-Sep-2024 | 17:40 EDT  
8BC1AD5B8563490BA260E56270C52012

---

Katie Smoot

11-Sep-2024 | 17:41 EDT